

Regulatory Triggers/Authorization to Construct

Some Proposals; APII/WG4;
9/14/2005

Regulatory Triggers Authorization to Construct

- From ideation Session:
 - Small changes trigger need for permit action
 - Unable to start non-permit facility work (e.g., site preparation) prior to issuance

Regulatory Triggers

Authorization to Construct

- Permit Exemption Threshold
 - Facility Wide
 - Less than 10 TPY for all criteria pollutants
 - less than 1 TPY for any individual Federal HAP and 2.5 TPY for all Federal HAP's
 - Not subject to NR 445 BACT/LAER
 - Not subject to most MACT's and NSPS
 - NOT an exemption from other applicable requirements

Regulatory Triggers

Authorization to Construct

- Permit Exemption Threshold (facility wide)
 - must be practically enforceable
 - likely on an annual emission basis and not a 12-month rolling average
 - Use emission reporting (annual) for compliance check
 - Need to “actively claim” this exemption
 - could exempt hundreds of facilities

Regulatory Triggers

Authorization to Construct

- Construction Permit Actual Emissions exemptions
 - “1,666” exemption exists for uncontrolled VOC sources
 - Expand to individual new units or projects that meet 10 TPY,...criteria
 - likely to be on a 12-month rolling average
 - made enforceable through a minor (hopefully) operation permit revision

Regulatory Triggers

Authorization to Construct

- Examples and caveat
 - install single printing press with less than 10 TPY VOC emissions after control. Control requirements and records placed in operation permit.
 - Modify existing unit and request 10 TPY emission cap on unit and minor op permit revision
 - caps are permanent unless go through an NSR review

Regulatory Triggers

Authorization to Construct

- Replacement Units
 - allow for installation of replacement units (similar function and capacity)
 - no substantial new requirements (i.e. NSPS, MACT, NR 428 limits...)
 - would require operation permit revision (hopefully minor)
 - not for NR 405 or NR 408 projects

Regulatory Triggers

Authorization to Construct

- Allow changes to LACT that are prohibited by a permit
 - submit permit revision (type???)
 - no increase in annual potential VOC emissions
 - new LACT placed in operation permit
 - must be required for LACT only and not avoidance of some other applicable requirement

Regulatory Triggers

Authorization to Construct

- Allow for fuel switching and use of propane, natural gas and low sulfur (0.05%) diesel fuel
 - gatekeepers
 - NSPS applicability
 - size of boiler
 - modeled emission limitations (no change)
 - requires a complete operation revision application
 - not NR 405 or NR 408

Regulatory Triggers

Authorization to Construct

- Construction waivers
 - proceed with rulemaking on criteria for granting waivers
 - look at changing definition of “commence construction” to allow for site clearing and possibly other work prior to receiving permit

Regulatory Triggers

Authorization to Construct

- Waivers
 - current NR 400 definition prohibits all site work
 - Federal (PSD) definition and NR 405 definition allows, generally, for site clearing and excavation work, but NOT for placement of footings/pilings,...
 - Federal definition also prohibits contracts for constructing prior to having permit

